

34. (Original) The computer-readable media of claim 30, wherein the discovery marker further comprises:

a packet ring master field;  
a control master field; and  
the topology information.

### **REMARKS**

This is in response to the Office Action mailed on December 14, 2004, and the references cited therewith.

Claims 1, 2, 7, 8, 13, 14, 30 and 31 are amended, claims 18-29 are canceled, and no claims are added; as a result, claims 1-17 and 30-34 are now pending in this application.

### **Affirmation of Election**

Restriction to one of the following claims was required:

As provisionally elected by Applicant's representative, Thomas F. Brennan, on December 2, 2004, Applicant elects to prosecute the invention of Group I, claims 1-17 and 30-34.

The claims of the non-elected invention, claims 18-29, are hereby withdrawn.

### **Amendment of Specification**

As requested, informalities on line 2 and 4 of page 7 of the specification have been corrected. Applicant respectfully submits, however, that the "system 100" in line 6 of page 5 is originally disclosed in Fig. 1.

### **§112 Rejection of the Claims**

Claims 2, 8 and 31 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 2, 8 and 31 have been amended to more clearly describe the subject matter being patented.

§102 Rejection of the Claims

Claims 1 and 30 were rejected under 35 USC § 102(e) as being anticipated by Nakazumi (U.S. Patent No. 6,304,557).

Nakazumi describes a communication network configuration detecting method in which each node on the network is configured to store its own node identifier in a specific position of an identifier storing area of a frame that is transmitted to each of the nodes across the network

Applicant also teaches a network configuration detecting method. But, in contrast to Nakazumi, Applicant describes an arbitration and discovery system which permits undefined nodes to express their place in the network topology. Claims 1, 2, 7, 8, 13, 14, 30 and 31 have been amended to emphasize this difference. Reconsideration is respectfully requested.

§103 Rejection of the Claims

Claims 6, 7, 12 and 13 were rejected under 35 USC § 103(a) as being unpatentable over Nakazumi in view of De Nijs et al. (U.S. Patent No. 5,568,525). Claims 6, 7, 12 and 13 are, however, patentable as depending from a patentable base claims. Reconsideration is respectfully requested.

Claims 2, 4, 8, 10, 14, 16, 31 and 33 were rejected under 35 USC § 103(a) as being unpatentable over Nakazumi in view of De Nijs et al. in view of his assertion that clearing old topology information before saving new topology information would be known to one skilled in the art. Claims 2, 4, 8, 10, 14, 16, 31 and 33 are, however, patentable as depending from a patentable base claims. Reconsideration is respectfully requested.

Claims 3, 5, 9, 11, 15, 17, 32 and 34 were rejected under 35 USC § 103(a) as being unpatentable over Nakazumi in view of De Nijs et al. in view of Borella et al. (U.S. Patent No. 6,269,099). Claims 3, 5, 9, 11, 15, 17, 32 and 34 are, however, patentable as depending from a patentable base claims. Reconsideration is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

TIM MILLET

By his Representatives,

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Date March 7, 2006

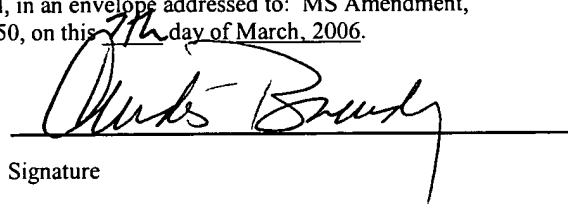
By Thomas F. Brennan  
Thomas F. Brennan  
Reg. No. 35,075

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7th day of March, 2006.



CANDIS BUENDING

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